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JUN 15 2005

OFFICE OF PETITIONS

In re Application of	:	
Gantt et al.	:	
Application No. 09/186,270	:	ON PETITION
Filed: 4 November, 1998	:	
Atty Dckt No. 30566.57USRE	:	

This is a decision on the petition filed on 18 May, 2005, under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.175 where they requires that a supplemental declaration be executed by a named inventor.¹

The petition is before the Office of Patent Legal Administration for decision.

The petition is **GRANTED**.

REVIEW OF FACTS

1. On 4 November, 1998, the application was filed as an application for reissue of U.S. Patent No. 5,572,639.
2. On 18 May, 2005, a petition was filed to waive the signature of one of the inventors, Brian D. Gantt, on a supplemental declaration. Petitioners assert that a copy of the supplemental declaration was sent to Gantt, but that he has failed to return an executed copy. Additionally, a supplemental declaration under

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

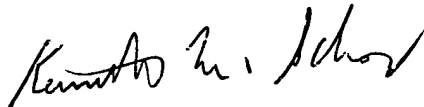
37 CFR 1.175 naming Brian D. Gantt and Alfredo Contreras was filed.

DECISION ON PETITION UNDER 37 CFR 1.183
TO WAIVE §§ 1.67 AND 1.175

In view of the efforts recounted in the petition to obtain the signature of Brian D. Gantt on the supplemental declaration in compliance with 37 CFR 1.175, and Mr. Gantt's failure to sign and return the declaration; it is agreed that justice would be served by waiving the requirement for the signature of joint inventor Gantt on the supplemental declaration filed on 18 May, 2005.

CONCLUSION

1. The petition is granted.
2. The application is being forwarded to Technology Center 2600 for further processing.
3. Telephone inquiries related to this decision only should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.
4. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-3282.



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